

Jeffrey R. Tervol Jr. & Burcu Mercankaya Tervol

Statement of Justification:

Property Location: 806 Plum St. SW Vienna VA 22180

Variance Sought: Variance from Section 18-219 of the Code of the Town of Vienna, 35 ft. rear yard setback

We are requesting a variance to the rear setback requirement of 35 feet to enable the construction of a covered deck. The proposed covered deck will extend the same distance from the house structure as a currently existing deck with pergola, which will be removed. This variance is required since - at its deepest point - the screen porch would extend 7.5 feet into the 35 foot rear property setback. The current open deck meets the zoning requirements due to the extra allowance of 10 feet that is applied to open decks, adding the roof structure in effect removes this allowance and creates the need for the requested variance. The function of the space would remain the same. To stay within the 35 feet requirement a covered deck could only be constructed to a depth of 8.5 feet off the rear of the house structure which would be impractical as this would be too small for reasonable furnishings/eating space.

While the current open deck serves the same functional purpose of providing our family with outdoor sitting and eating space, the lack of a roof structure makes the current design less effective. Our rear yard faces nearly due south and there is limited tree cover over our rear yard as a result of re-development of the property behind ours as well as natural causes (a large tree in an adjacent yard had to be removed after a lightning strike this summer). The current deck has a pergola with retractable shades, and I've added an additional retractable shade to the west side of the deck. However even with those mitigations, during the summer months the deck is unpleasant to unusable during the prime part of the day, until the sun sets. To regain functional use of our rear yard sitting space we'd like to convert the open deck to a covered and screened deck.

Our lot is on the inside of a triangle that is formed by the combination of Plum, Cottage, and Tapawingo Streets. Which is then also affected by the cul-de-sac of Marian Circle on the inside of this triangle. In addition, our property is affected by how Plum St curves toward our property as it approaches Cottage St. This localized street layout creates an oddity of property shapes, with our lot in particular forming a roughly trapezoidal shape that is relatively wide but lacks depth. In comparison, the opposite side of Plum St consistent of narrow lots that are deep in nature which is more typical for the area. The existing house footprint is effectively as far toward Plum St as allowed due to front set back requirements, maximizing the rear space potential of the lot. Lastly, our rear property line does not run parallel to Plum St but instead squeezes the lot shorter as one progresses toward Cottage. The rational location for covered deck placement, matching the current deck location, is on the side closest to Cottage and thus further impacted by the narrowing lot shape.

Altogether we believe this confluence of factors leads to a situation that is distinct to relatively few properties in the area. We believe the granting of a variance would have no significant negative effects on other properties in the area. We've sought to locate and size the proposed porch to minimize its impacts, taking advantage of a recessed section of the rear of the house. It is not visible from the front,

is well-shielded from rear neighbors by existing trees, and is placed no deeper than the existing deck with overhead pergola.

We have discussed the proposal with all five neighbors whose rear yards are directly adjacent to our property and received their support for the project (see 002_Neighbor Support_806 Plum St SW).

Variance Criteria:

- 1) We attest that the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by us, the applicants, for this variance. This project was not something we were considering at the time of home purchase over three years ago, and no major site modifications have occurred since our purchase of the property that would affect the need for this variance relative to the state that existed upon purchase.
- 2) The granting of the variance will not be of substantial detriment to adjacent property and nearby property in the proximity of that geographical area. The prior existing deck and pergola, which are in accordance with current set back requirements, are substantially utilizing this space and creating visual effects that will be similar to what would exist with the proposed covered deck. The covering of the deck, which triggers a reduction in rear space available due to effectively increasing set back requirements from 25 feet to 35 feet, does not alter how the space is being used.
- 3) The condition or situation of the property concerned is not so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. As detailed above, our lot is influenced by a confluence of factors that lead to a lack of depth from street to rear property line creating in effect a wide but shallow lot. When accounting for a 25 foot front setback, which the front of the house is located very near to, plus a 35 rear setback this leaves limited space available for the addition of a covered deck off the rear of the existing house, even when all other aspects of town code regarding deck size and lot use are being met.
- 4) The granting of the variance for the construction of a covered porch at the same location as our existing pergola-covered deck does not result in a use that is not otherwise permitted on our property or change the zoning classification of our property.
- 5) We attest the relief or remedy sought by our variance application is not available through the Conditional Use Permit process, or a determination by the zoning administrator.

We respectfully ask the Department of Planning and Zoning and the Board of Zoning Appeals to consider and approve our request for a setback variance. We believe the granting of this variance would not be contrary to the public interest, and will not be a detriment to the adjacent properties or change the character of the neighborhood.